

## REMARKS

Claims 1-5 and 8-11 were pending.

Claims 2, 5 and 9-11 are withdrawn from consideration.

Claims 1, 3 and 4 are rejected.

Claim 1 is amended.

Claim 8 is cancelled.

Claims 1-5 and 9-11 are pending.

The examiner in her previous Office Action has noted that claim 8 is allowable.

Applicants have amended claim 1 to include the limitations of claim 8 making claim 1 also allowable.

No new matter is added.

### **35 USC 103(a)**

Claims 1, 3 and 4 are rejected under 35 USC 103(a) as being unpatentable over Yamada or Nagasawa (Pure and Appl. Chem. 1995, 67(7):1241-1256) in view of US 6,562,603 and US 6,916,638.

Applicants have amended claim 1 to include the limitations of claim 8. As examiner previously indicated the allowance of claim 8 and claim 1 now includes its limitations, claim 1 and dependent claims 3 and 4 should also be allowable.

Applicants also request rejoining of claim 9 to the now allowable claims 1, 3 and 4 as claim 9 is directed to the *Dietzia natronolimnaios* strain NCIMB 41165 per se.

Reconsideration and withdrawal of the rejection of claims 1, 3, 4 and 8 is respectfully solicited in light of the remarks and amendments *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1, 3, 4 and 8 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Shiela A. Loggins  
Agent for Applicants  
Reg. No. 56,221

Ciba Corporation  
540 White Plains Road  
Tarrytown, New York 10591  
(914) 785-2768  
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